

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

TERESA WATTS  
725 Sanders Drive  
Hamilton, Ohio 45013,

Plaintiff,

V.

UNITED PARCEL SERVICE  
1951 Logan Avenue  
Hamilton, Ohio 45011,

Defendant.

Judge	4/15
Mag.	
Journal	
Index	
Docketed	

Case No. C-1-03-589

Judge WEBER, J.

J. HOGAN

03 AUG 20 PM 4:51

**COMPLAINT AND JURY DEMAND**

Now comes Teresa Watts, who for her Complaint against United Parcel Service, states as follows:

**I. PRELIMINARY STATEMENT**

1. This is a civil rights action brought by Plaintiff Teresa Watts, alleging that Defendant, United Parcel Service, discriminated against Plaintiff on the basis of gender, disability and/or the perception thereof and retaliated against her for engaging in protected activity. Relief sought by Plaintiff includes monetary relief for economic and non-economic damages, equitable relief, punitive damages, costs, and reasonable attorneys' fees.

2. This action arises under 42 U.S.C § 2000e-2, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 12112, the Americans with Disabilities Act ("ADA"), O.R.C. §§ 4112.02 and 4112.99, and the common law of Ohio regarding unlawful discrimination in employment.

## **II. JURISDICTION**

3. This Court's jurisdiction over this action is based on 28 U.S.C. § 1331. Jurisdiction of this Court is also invoked under 28 U.S.C. § 1367, which provides supplemental jurisdiction for Plaintiff's claims under the Ohio Civil Rights Act (O.R.C. § 4112.02), and the common law of Ohio regarding unlawful discrimination. Plaintiff's state law claims derive from the same nucleus of operative facts as the Plaintiff's federal claims.

4. Venue with this Court is appropriate because all of the actions complained of herein occurred within the Southern District of Ohio.

## **III. ADMINISTRATIVE HISTORY**

5. On or about March 6, 2003, Plaintiff filed a Charge of Discrimination (Charge No. 221A300415) with the Equal Employment Opportunity Commission ("EEOC"), alleging ongoing employment discrimination on the basis of disability and/or gender. A copy of said Charge is attached as Exhibit A.

6. On or about May 23, 2003, Plaintiff received her Right to Sue Notice from the EEOC. A copy of said Notice is attached as Exhibit B.

7. On or about July 9, 2003, Plaintiff filed a second Charge of Discrimination with the EEOC, alleging ongoing gender discrimination and retaliation. A copy of said Charge is attached as Exhibit C. Plaintiff is awaiting a Right to Sue Notice with respect to this charge.

## **IV. PARTIES**

8. Plaintiff, Teresa Watts, is a female citizen of the United States. Ms. Watts has been employed by Defendant United Parcel Service since 1990 at its Hamilton, Ohio facility.

9. Defendant, United Parcel Service (“UPS”), the world’s largest package delivery company, operates a local service facility in Hamilton, Ohio. UPS employs more than 300 employees.

## **V. STATEMENT OF CLAIMS**

10. Plaintiff sustained an injury in the course of her employment on or about June 29, 2000. As a result of said injury, Plaintiff has been diagnosed with herniated discs in her back. Plaintiff has also been diagnosed with degenerative disc disease. Plaintiff’s claim for workers’ compensation benefits as a result of her injury was allowed.

11. Plaintiff’s condition is permanent or expected to persist, at a minimum, for more than a few months. Defendant has at all relevant times been aware of Ms. Watts’s injury and diagnosis. Upon sustaining the injury, Ms. Watts informed Defendant and received temporary total disability payments. Further, Ms. Watts has provided Defendant with multiple medical releases concerning her injury and diagnosis.

12. As a result of her diagnosis, Ms. Watts has a disability or a history or record of impairment within the meaning of 42 U.S.C. § 12102(2) and as provided in 29 C.F.R. § 1630.2(h), and Plaintiff is regarded as disabled by Defendant.

13. Under the policies, practices and procedures in effect at all times material hereto, UPS employees injured in the course of duty are entitled to return to work when fit for duty. Consistent with this right, the applicable collective bargaining agreement provides a procedure for determining an injured employee’s fitness for duty.

14. Defendant has a policy and practice of providing injured employees who are unable to return to their full duties with "Temporary Alternative Work" (TAW) to enable them to return to work on a light duty basis.

15. Beginning in or around early November, 2002, Plaintiff provided Defendant with several releases authorizing her to return to work subject to various limitations. In each instance, the limitations were such that Plaintiff could have returned to work on TAW. Despite the availability of TAW, Defendant refused to return Plaintiff to work on any basis.

16. Thereafter, on or about December 4, 2002, Ms. Watts was examined by a doctor, and obtained another medical release to return to work. In this release, the doctor identified by Defendant recommended that Plaintiff could return to work on light duty for a limited period of time, and thereafter, to full duty. As before, Defendant refused to accommodate Ms. Watts's temporary work restrictions with the TAW afforded other employees and denied her request to return to work.

17. On or about January 14, 2003, Ms. Watts provided Defendant a fourth medical release, again from the doctor identified by Defendant. Under its terms, Ms. Watts was released to work without any physical restrictions. Specifically, Ms. Watts was released to perform light duty work for thirty (30) days, at which time she would receive a full medical release contingent upon physical improvement. Despite receipt of the fourth medical release, Defendant refused to allow Ms. Watts to return to work.

18. At all of the above times, Defendant had TAW available for Plaintiff. Defendant's decision to deny Plaintiff the opportunity to return to work on TAW or otherwise was inconsistent with the manner in which it treated other employees who were not female or who were not disabled or regarded as disabled.

19. On or about January 16, 2003, Ms. Watts's supervisor indicated that Defendant refused to return Plaintiff because it felt that Ms. Watts, because of her actual or perceived disability, would perform TAW briefly and then return to medical leave. Plaintiff's supervisor additionally stated that he could not afford to bring Ms. Watts back to work and would not allow her to work until she had a full work release without any restrictions. As reflected by the statements of Plaintiff's supervisor, Defendant's refusal to provide Plaintiff with TAW on the same terms as other employees was based upon Defendant's perception that Ms. Watts had a disability or impairment within the meaning of 42 U.S.C. §12102(2).

20. On or about March 7, 2003, Ms. Watts submitted a Request for Accommodation to Defendant pursuant to 42 U.S.C. § 12112, the ADA. At Defendant's request on May 14, 2003, Ms. Watts obtained a fifth medical release form to accompany the Request. In this release, a physician authorized Ms. Watts to perform TAW for thirty (30) days. After that time, she would be released to work full duty. Defendant did not respond to Ms. Watts' properly supported request until four months later when, on July 23, 2003, Ms. Watts received notice from Defendant that her Request had been denied.

21. Defendant routinely grants TAW to male employees and/or employees without a disability or a history or record of impairment within the meaning of 42 U.S.C. §12102(2) who are not perceived as disabled. Such employees are granted multiple periods of TAW and extensions of TAW when needed and/or requested. Such employees who requested TAW after Ms. Watts submitted her requests for TAW have been given TAW assignments. Defendant's claim that it did not have any TAW for Ms. Watts is untrue.

22. Defendant has retaliated against Ms. Watts for engaging in protected activity, (i.e., seeking an accommodation, filing an EEOC Charge, and raising concerns about and objecting to her treatment). Among other things, Defendant inappropriately and inconsistently required Ms. Watts to allow a nurse designated or employed by Defendant to schedule appointments for and accompany Ms. Watts to medical appointments, and Defendant required Ms. Watts to be examined by a psychologist to discuss the possibility of her not being allowed to return to work and her potential career options.

23. Upon information and belief, male employees of Defendant seeking to obtain TAW and return to work are not required to accept the services of a nurse or undergo a psychologist's assessment and career counseling.

24. Upon information and belief, employees of Defendant without an actual or perceived disability or a history or record of impairment within the meaning of 42 U.S.C. § 12102(2) seeking to obtain TAW and return to work, are not required to accept the services of a nurse or undergo a psychologist's assessment and career counseling.

25. The decision to deny Ms. Watts TAW which would allow her to return to employment with Defendant was based upon Ms. Watts's gender. Alternatively, said decision was motivated by Ms. Watt's disability and/or the perception or record thereof.

26. Defendant retaliated against Ms. Watts by requiring her to use medical and psychological help, by intentionally delaying and denying Ms. Watts's accommodation request, and in other ways. Defendant's retaliation was in response to Ms. Watts's protected activity.

27. As a direct and proximate result of the intentional and unlawful acts of Defendant, Ms. Watts has suffered economic damages in the form of back pay and lost employment benefits,

including health insurance and non-economic damages in the form of physical and emotional pain and suffering and damage to her professional reputation.

**COUNT ONE**

28. Plaintiff incorporates by reference paragraphs one through twenty-seven as if written herein.

29. The actions of Defendant violated Plaintiff's rights as secured by 42 U.S.C. § 12112, the ADA, to be free from discrimination on the basis of disability, or the history or perception thereof, in the terms, conditions of, and opportunities for employment.

**COUNT TWO**

30. Plaintiff incorporates by reference paragraphs one through twenty-nine as if written herein.

31. The actions of Defendant violated Plaintiff's rights as secured by 42 U.S.C § 2000e-2, Title VII of the Civil Rights Act of 1964, to be free from discrimination on the basis of gender in the terms, conditions of, and opportunities for employment.

**COUNT THREE**

32. Plaintiff incorporates by reference paragraphs one through thirty-one as if written herein.

33. The actions of Defendant violated Plaintiff's rights as secured by O.R.C. § 4112.02, *et seq.*, to be free from discrimination on the basis of disability in the terms, conditions of, and opportunities for employment.

**COUNT FOUR**

34. Plaintiff incorporates by reference paragraphs one through thirty-three as if written herein.

35. The actions of Defendant violated Plaintiff's rights as secured by O.R.C. § 4112.02, to be free from discrimination on the basis of gender in the terms, conditions of, and opportunities for employment.

#### **COUNT FIVE**

36. Plaintiff incorporates by reference paragraphs one through thirty-five as if written herein.

37. The actions of Defendant violated Plaintiff's rights as secured by 42 U.S.C. § 2000e-3, O.R.C. § 4112.99, and 42 U.S.C. § 12203 to be free from acts of retaliation for opposition to, or participation in proceedings opposing, acts of discrimination.

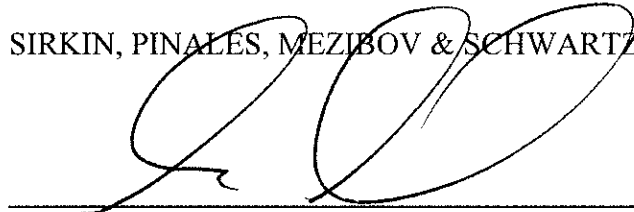
**WHEREFORE**, Plaintiff, Teresa Watts, demands judgment against Defendant, United Parcel Service, as follows:

1. A judgment for compensatory damages for Plaintiff's economic damages as well as non-economic damages in an amount to be determined at trial.
2. An award of punitive damages in an amount to be determined at trial.
3. An award of Plaintiff's reasonable attorneys' fees and costs; and
4. A judgment for such other relief in law or equity to which Plaintiff is entitled under the premises; and
5. A judgment for the reinstatement of Plaintiff to her previous employment position.



Respectfully submitted,

SIRKIN, PINALES, MEZIBOV & SCHWARTZ LLP



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MARC D. MEZIBOV (Ohio Bar No. 0019316)  
CHRISTIAN A. JENKINS (Ohio Bar No. 0070674)  
SUSAN E. BRABENEC (Ohio Bar No. 0075200)  
105 W. Fourth Street, Suite 920  
Cincinnati, Ohio 45202  
Telephone (513) 721-4876  
Telecopier (513) 721-0876

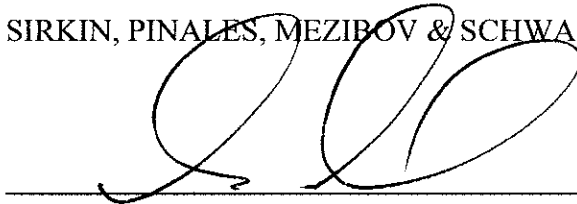
Counsel for Plaintiff, Teresa Watts

**JURY DEMAND**

Plaintiff demands that all issues of fact pursuant to the foregoing Complaint be tried to a jury.

Respectfully submitted,

SIRKIN, PINALES, MEZIBOV & SCHWARTZ LLP



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MARC D. MEZIBOV (Ohio Bar No. 0019316)  
CHRISTIAN A. JENKINS (Ohio Bar No. 0070674)  
SUSAN E. BRABENEC (Ohio Bar No. 0075200)  
105 W. Fourth Street, Suite 920  
Cincinnati, Ohio 45202  
Telephone (513) 721-4876  
Telecopier (513) 721-0876

Counsel for Plaintiff, Teresa Watts

EXHIBIT

A

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA  
☒ EEOC

221A300 415

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Ms. Teresa L. Watts

HOME TELEPHONE (Include Area Code)

(513) 868-8098

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

725 Sanders Dr., Hamilton, OH 45013

02/15/1971

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

UNITED PARCEL SERVICE

Cat D (501 +)

(513) 863-1718

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

1951 Logan Ave., Hamilton, OH 45011

017

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

BASE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ RETALIATION ☐ AGE ☒ DISABILITY ☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE  
EARLIEST LATEST

01/14/2003 01/14/2003

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I. I was employed as a ~~Package Car Driver~~ from March of 1990 through ~~January~~ <sup>present</sup> of 2003. From November, 2002 through January 14, 2003, Gary Koffman (my immediate supervisor) refused to allow me to return to work after my doctor approved my return to work. Koffman ~~terminated me~~ after he said he could not provide me with a reasonable accommodation. HAS NOT ALLOWED ME TO RETURN (10)

II. Mr. Koffman told me there was no work available for me.

III. I believe that I have been discriminated against because of my medical history in violation of Title I of the Americans with Disabilities Act. My doctor released me to return to work and I am able to perform the essential functions of the job.

I WAS A PACKAGE CAR DRIVER FROM APRIL 1999 TO PRESENT PARTTIME BEFORE THAT. (10)

EEOC, CINCINNATI AREA OFFICE

MAR 06 2003

RECEIVED

I want this charge filed with both the EEOC and the State or Local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Teresa L. Watts

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(Month, day and year) 3-4-2003 Nancy S. Dennis

date 3-4-03

Charging Party (Signature)

EEOC FORM 5 (Rev. 07/99)

NANCY G. SIMMONS  
Notary Public, State of Ohio  
My Commission Expires June 07, 2007

Form 161 (10/96)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Teresa L. Watts  
725 Sanders Drive  
Hamilton, Ohio 45013

From: Equal Employment Opportunity Commission  
550 Main Street, Suite 10-019  
Cincinnati, Ohio 45202

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR § 1601.7(a))

File No.	EEOC Representative	Telephone No.
300415	Legal Unit Duty Officer	(216) 522-7455

## EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limit required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state) \_\_\_\_\_

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Under the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS from your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Under the Fair Labor Standards Act (FLSA):** FLSA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged FLSA violation. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

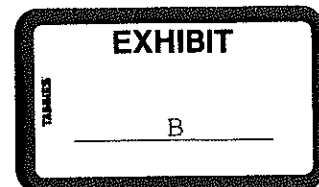
On behalf of the Commission

*Wilma L. Javey*  
\_\_\_\_\_  
Wilma L. Javey, Area Director

*5/23/2003*  
\_\_\_\_\_  
(Date Mailed)

Source(s)




Joel Kolb  
United Parcel Service  
1951 Logan Avenue  
Hamilton, Ohio 45011



<b>CHARGE OF DISCRIMINATION</b> This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER 221-2003-01360
_____ and EEOC <small>State or local Agency, if any</small>			
NAME (Indicate Mr., Ms., Mrs.) Ms. Teresa L. Watts		HOME TELEPHONE (Include Area Code) (513) 868-8098	
STREET ADDRESS 725 Sanders Dr., Hamilton, Ohio 45013		CITY, STATE AND ZIP CODE	DATE OF BIRTH 02/15/71
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME United Parcel Service		NUMBER OF EMPLOYEES, MEMBERS Cat. D (501 +)	TELEPHONE (Include Area Code) (513) 863-1718
STREET ADDRESS 1951 Logan Ave., Hamilton, Ohio 45011		CITY, STATE AND ZIP CODE	COUNTY 017
NAME		TELEPHONE NUMBER (include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	COUNTY
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> Race <input type="checkbox"/> Color <input checked="" type="checkbox"/> Sex <input type="checkbox"/> Religion <input type="checkbox"/> National Origin <input checked="" type="checkbox"/> Retaliation <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Other (Specify)		DATE DISCRIMINATION TOOK PLACE earliest (ADEA/EPA) LATEST(ALL) 05/15/03 <input checked="" type="checkbox"/> Continuing Action	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
<p>I. On March 6, 2003, I filed Case No. 221A300415 with the EEOC, charging that United Parcel Service ("UPS"), discriminated against me on the bases of my gender and disability. On March 7, 2003, I mailed to UPS a Request for Accommodation pursuant to the Americans with Disabilities Act (ADA).</p> <p>II. On March 11, 2003, UPS responded to my March 7th request by providing medical forms to be completed by my physician. I secured a physician's appointment on May 14, 2003 and returned the completed medical forms to UPS on May 15, 2003. In the submitted medical forms, my physician wrote that I should perform light duty work for thirty (30) days and then would be relaxed to work full duty contingent upon my physical improvement.</p> <p>III. I received no communication from UPS regarding my Request for the next thirty-eight (38) days. On June 23, 2003, I received a voice-mail message from David Holzknecht regarding my request. Mr. Holzknecht stated that the UPS Cincinnati committee considering my request had reached a recommendation which was being forwarded to the UPS Chicago office for acceptance.</p> <p>IV. I believe UPS has delayed the process of responding to my request in a continuing act of retaliation for my filing EEOC charges of gender and disability discrimination.</p>			

EXHIBIT

C

<input checked="" type="checkbox"/> I want this charge filed with both the EEOC and the State of local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	<b>NOTARY - (when necessary for State and Local Requirements)</b>
I declare under penalty of perjury that the foregoing is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
	<b>SIGNATURE OF COMPLAINANT</b> 
Date 7-7-03 Charging Party (signature)	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day and year) 7-7-03 

**Audrey E. Dunaway**  
In and for the State of Ohio  
My Commission Expires April 3<sup>rd</sup>, 2008

JS 44 (Rev. 3/99)

**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Teresa L. Watts

**DEFENDANTS**

United Parcel Service

(b) County of Residence of First Listed Plaintiff Hamilton  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Hamilton  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

**(c) Attorney's (Firm Name, Address, and Telephone Number)**

Sirkin, Pinales, Mezibov & Schwartz LLP  
920 Fourth & Race Tower, 105 West Fourth St.  
Cincinnati, Ohio 45202-2726  
513-721-4876

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 USC Section 2000e-2 (Title VII of Civil Rights Act of 1964); 42 USC Section 12112 (American with Disability Act)

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMANDS**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

JUDGE

DOCKET NUMBER

DATE

8/20/03

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_